

HOUSE BILL REPORT

HB 3122

As Reported by House Committee On:
Children & Family Services

Title: An act relating to the safety of child protective, child welfare, and adult protective services workers.

Brief Description: Recognizing the safety of child protective, child welfare, and adult protective services workers.

Sponsors: Representatives Kagi, Walsh, Dickerson, Darneille, Ericks, Ormsby and Roberts.

Brief History:

Committee Activity:

Children & Family Services: 1/30/06 [DP].

Brief Summary of Bill

- Authorizes reimbursement to child protective, child welfare, and adult protective services workers who miss workdays as a result of being assaulted while performing official job duties.
- Adds to the list of persons protected by the felony stalking statute, child protective, child welfare, and adult protective services workers who are in the course of performing official job duties.

HOUSE COMMITTEE ON CHILDREN & FAMILY SERVICES

Majority Report: Do pass. Signed by 8 members: Representatives Kagi, Chair; Roberts, Vice Chair; Walsh, Ranking Minority Member; Hinkle, Assistant Ranking Minority Member; Darneille, Dickerson, Haler and Pettigrew.

Minority Report: Do not pass. Signed by 1 member: Representative Dunn.

Staff: Sydney Forrester (786-7120).

Background:

In February 2005, a social worker in Ferry County was assaulted while assisting law enforcement authorities with removal of three children from a neglectful situation in their home. The children's father was shot and killed by law enforcement as he attacked the social worker with a machete and a two-by-four piece of wood. The worker was hospitalized and treated for wounds to her head, shoulders, arms, and wrists. As a result of the assault, the

worker missed numerous workdays and used her personal sick leave to cover the short fall between Workers' Compensation and her full salary.

Workers' Compensation payments are provided to employees who are injured on the job, but payments under the program do not equal an employee's full pay and are based on a graduated scale reflecting marital status and number of dependents.

In response to the attack on the social worker, the Legislature in 2005, created a work group to develop policies and protocols to address worker safety and to make recommendations for training to respond to the sometimes volatile, hostile, and threatening situations faced by social workers. The work group provided its report to the Legislature in December 2005.

Reimbursement for Employees Assaulted on the Job

Certain groups of state employees are entitled to reimbursement when they are assaulted in the course of their job duties and miss work as a result of their injuries. Employees of the following state agencies who work with confined populations are included:

- (1) Department of Veterans' Affairs;
- (2) Department of Natural Resources;
- (3) Department of Corrections; and
- (4) Department of Social and Health Services.

Employees of the Department of Transportation who sustain injury and miss work as a result of assaults by motorists also are entitled to reimbursement. For all departments, the amount of an employee's reimbursement is limited to the difference between the employee's regular pay and the amount paid by Workers' Compensation.

Felony Stalking

Stalking is defined as the intentional harassment or following of another person which creates the fear of injury to person or property when the stalker intends to frighten, intimidate or harass, or when the stalker knows or reasonably should know the other person is afraid, intimidated, or harassed. Stalking is a misdemeanor unless certain conditions apply making the offense a class C felony.

Those conditions include when the person being stalked is one of the following, who is being stalked in retaliation for some act performed during the course of official duties or to influence the person's performance of official duties:

- (1) law enforcement officer;
- (2) judge;
- (3) juror;
- (4) attorney;
- (5) victim advocate;
- (6) legislator; or
- (7) community corrections officer.

Summary of Bill:

Two recommendations from the work group created by HB 2189, chapter 389, Laws of 2005, are implemented.

Felony Stalking

Child protective, child welfare, and adult protective services workers are added to the list of persons for whom stalking constitutes a class C felony when done in retaliation for the employee's conduct of official duties or when done to influence the employee's performance of official duties.

Reimbursement Program

Employees of the Department of Social and Health Services (DSHS) who provide child protective, child welfare, and adult protective services and who are assaulted and injured on the job are entitled to receive reimbursement under the following conditions:

- (1) the employee was assaulted during the course of performing official duties and has sustained injury causing the employee to miss days of work;
- (2) the assault is not attributable to the employee's negligence, misconduct, or failure to comply with rules; and
- (3) the Department of Labor and Industries has approved a Workers' Compensation application for the injured employee.

The amount of reimbursement is limited to an amount that, when added to the employee's Workers' Compensation payment, equals the employee's full pay for the workdays missed. An employee is eligible for reimbursement for up to 365 days. Reimbursement payments must be made by the DSHS from the same appropriation and in the same manner as other salary and wage expenses. If the Legislature revokes the reimbursement in the future, no entitlement or contractual right to the reimbursement exists.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect 90 days after adjournment of session in which bill is passed.

Testimony For: There are two main aspects of protection we are aiming at in this bill. We don't want CPS, CWS, and APS workers who are assaulted and injured on the job to have to use their own sick leave to cover the shortfall between what Workers' Compensation pays the employee's regular pay. We also want to add greater protections to these workers by covering them under the felony stalking statute.

This bill makes sense because the duties of field workers in CPS, CWS, and APS are comparable with the duties of other persons protected by the felony stalking statute. The DSHS is supporting everything we can to protect workers in the field. This bill would also protect workers from further hardship if they are assaulted and injured while working.

The bill provides reimbursement for lost wages only when an assault causes injury that is approved by the Department of Labor and Industries (L & I) and for which the employee is not responsible. The reimbursement is paid from the DSHS's budget and the reimbursement is only the difference between what L & I pays and the employee's usual pay. These are the same protections we extend to various other state employees whose work involves sometimes threatening situations with individuals who may be assaultive.

Social workers in the field are placed in dangerous situations almost daily when confronting families in crisis. They don't know if the person they are contacting might be incapacitated by drugs or alcohol or have some other condition which could result in an assault on the worker. This bill will reaffirm the state's commitment to social workers and the valuable work they do in protecting children and vulnerable adults.

Testimony Against: None.

Persons Testifying: (In support) Representative Kagi, prime sponsor; Cheryl Stephani, Department of Social and Health Services; Cheryl Strayer; Kimberlee Heinrich; Dennis Eagle, Washington Federation of State Employees; and Nick Federici, National Association of Social Workers.

Persons Signed In To Testify But Not Testifying: None.